

**Big Cypress National Preserve
ORV Advisory Committee Meeting
September 23, 2008
Everglades City Community Center
Everglades City, Florida
3:30 p.m.**

Meeting Minutes

Attendance. Committee members: Present – Win Everham, Wayne Jenkins, Robin Barnes, Franklin Adams, Karl Greer, David Denham, Chuck Hampton, Barbara Jean Powell, Laurie Macdonald. Not present – John Adornato, Curt Witthoff, Ed Woods, Marsha Connell, Manley Fuller.

Preserve staff present: Pedro Ramos, Ron Clark, Bob DeGross, Damon Doumlele, Don Hargrove, Valerie Clark, David Hamm, Brian Paddock, Ryan Levins, Delia Clark (contracted facilitator).

Approximately 11 members of the public were in attendance.

Welcome. Acting Superintendent Pedro Ramos welcomed all attendees and thanked the Advisory Committee and interested public in the work they have done thus far. He recognized Big Cypress National Preserve staff and thanked them for their work with the Committee. Mr. Ramos recognized George Barton of Congressman Diaz-Balart's office and announced that several committee members are not present for the meeting due to personal reasons (Ms. Connell, Mr. Fuller, and Mr. Adornato). Mr. Ramos announced that Gary Lytton and Steve Thompson had resigned their positions as members of the ORVAC.

Mr. Ramos announced that the renewal of the ORVAC charter is due and that it has been two years since the charter was adopted.

Mr. Ramos identified implementation of the trails system in the Turner River Unit as the current primary focus of the ORVAC and emphasized the importance of completing the project in a timely manner. He emphasized the importance of taking advantage of the window of opportunity to conduct field work during the dry season.

Ms. Clark provided an estimated timetable of when public comments will be heard as follows:

- 4:05 Education
- 4:50 Lottery
- 6:20 Turner River Trails
- 7:30 General Comments

Members of the public who wish to speak may do so at the appropriate time. Each public speaker is allowed three minutes to express his/her views and concerns.

Public comments may also be received on the Big Cypress National Preserve website at www.nps.gov/bicy/parkmgmt/orv-advisorycommittee.htm or <http://parkplanning.nps.gov>. Damon Doumlele can respond to telephone call requests and can be reached at (239) 695-1158. Written requests should be sent to Big Cypress National Preserve, 33100 Tamiami Trail East, Ochopee, Florida 34141.

Approval of Minutes. Tim Spaulding said that his comments concerning commercial airboat operators during the July meeting were incorrectly noted. He said that airboat operators themselves were required to turn in data on an annual basis and not the businesses. [The recording of the July meeting indicates that the minutes correctly reflect Mr. Spaulding's comments.]

The July 21, 2008, ORVAC minutes were approved.

Education Subcommittee Report. Ms. Clark read a draft policy from the Education Subcommittee on appropriate and inappropriate uses of ORVs in the Preserve. The committee's consensus was that the draft was well done. Ms. Powell will compile committee comments for modification of the first draft.

Public Comment. Frank Denninger recommended language be included in the policy that addresses challenging the rider's ability to handle the vehicle.

Committee Discussion. Mr. Adams asked the audience how many of them own or use two-wheel drive ATVs, and several raised their hands.

Ms. Clark summarized the Education Subcommittee's next steps by stating that Preserve staff will review modifications to the draft document to be brought to the full committee during the November meeting for a last chance to make changes. The resulting document would be the committee's recommendation to the Preserve.

Lottery Subcommittee Report. Mr. Jenkins highlighted the Lottery Subcommittee's recommendations as follows:

- The NPS should return to quota drawings effective for the 2010 permit year.
- 2008-2009 permits should be issued under the current procedure.
- Fifty permits should be withheld beginning in the 2009 permit year. These 50 permits would be available to individuals for up to 7 days for a fee of \$20.00. They would be intended for individuals visiting the Preserve wishing to experience Big Cypress before applying for an annual permit.
- 2010 lottery drawing applicants would apply on-line or submit written applications from Nov-15 to Dec-15 of 2009 for the remaining 1,950 permits. The NPS would notify all applicants of the results of the lottery drawings, and successful applicants would have until January 31, 2010, to submit application fees. If fees are not collected and permits are not claimed within 30 days, the permit would be made available to the next person on the list.

Committee Discussion. Mr. Jenkins clarified the subcommittee's intent by stating that the 50 permits would be available on a rotation basis. The temporary use would be available for 7 consecutive days. Committee members recommended additional flexibility be placed on the 7-day permit due to the possibility of an individual's inability to recreate 7 consecutive days in the Preserve.

Mr. Jenkins stated that the subcommittee felt it was important to minimize the potential for one-time users to obtain a permit that is only used once a year. When asked by the committee about the rationale for 7 days and 50 permits, Mr. Jenkins said that based on what the subcommittee knows, 50 permits per year and a 7-day permit allowance is their recommendation that could be modified as more information is made available.

Ms. Clark asked Big Cypress management how many permits have been sold to date, and Mr. Ramos' response was 1,745.

Members discussed the potential availability of data that the NPS may provide on backcountry ORV use and historical methods the NPS used to obtain backcountry ORV use data.

One member feared that due to the closure of Rotenberger and Holey Lands Wildlife Management Areas to 4-wheelers, additional pressure will be placed on Big Cypress during the 2008 hunting season, and the ORV permit cap may be reached this year.

Dr. Everham recommended that day-use permits be considered for those who wish to experience Big Cypress, and these would be returned at the end of the day. He believes there will soon be more people who want permits than currently available.

The ORVAC discussed the possibility of allowing 163 permits available to landowners to be made available for general public use, and the NPS issuing a separate, 6-month permit to landowners. It was determined, however, that multiple owners on land ownership deeds would create problems.

Ms. Clark highlighted subcommittee discussion points:

- The ORVAC heard a proposal from the subcommittee.
- The subcommittee allowed opportunity for input and modification.
- Two areas of concern: 1) Does the ORVAC agree to give out short-term permits, and 2) where are we in terms of current status of information; i.e., is 50 permits the right number of permits as a starting point, recognizing that it could be modified?
- Does the ORVAC want to build in a structure to the lottery system that assures that property owners have access to their properties?

Mr. Jenkins said that the ability for landowners to reach their property is already in existence. If landowners did not draw an ORV permit, they would still have a right to go to their property. However, recreational riding would not be allowed.

Questions were asked concerning the cap of 2,000 ORV permits, and Ron Clark, BICY Chief of Resource Management, responded that the 2,000 permit limit in the Off-road Vehicle Management Plan was derived from the 1991 General Management Plan (GMP) completed in 1992. The GMP figure of 2,000 was based on recent history at the time for the total number of ORV permits that had been sold. Confusion lies in the consultation with the Fish and Wildlife Service regarding the 2,000 figure. The Biological Opinion rendered by the Fish and Wildlife Service for the 1992 GMP was based on the 2,000 figure, but the Record of Decision (ROD) signed for the GMP recorded the number 2,500. In 2000 the ROD signed for the ORV management plan acknowledged that there was an error, and the number was adjusted back to 2,000.

In regard to the discussion of temporary permits, Mr. Clark stated that as long as temporary permits are segregated out and the total remains below the annual 2,000 permit cap, he believes that the NPS environmental compliance is sufficient. He said that if the 2,000 vehicle cap is exceeded, he believes that the NPS will be instantly launched into another Environmental Impact Statement (EIS) and another consultation process.

In response to a question as to whether the 2,000 vehicle cap refers to yearly or daily permits, Mr. Clark said that neither the GMP nor the ORV plan discussed daily figures. The 2,000 figure is relative to the number of permits sold.

Mr. Jenkins said that the subcommittee reviewed the number of ATVs that are in use in the Preserve. ATV use rose from 500 to 1,000 vehicles in the last couple of years. In 1991 and 1992 when the GMP was being written, ORV use in the Big Cypress was all dispersed with the exception of Bear Island trails. He questioned how we would be able to revisit the idea of studying how many vehicles the Preserve could accommodate with the implementation of designated trails management practices. Mr. Clark responded that the ORV plan does contemplate the need to look at carrying capacity in the context of designated trails and sustainability, but this work has not been done. Mr. Clark stated that to do the research will not require extensive environmental analysis.

Ms. Powell recommended that any idea of making all permits available on a daily use basis be discarded due to the staffing time and expenses that would be required and the inherent inconvenience of such a program for the ORV community. She said that the 50 ORV permits identified for day use by the general public would reduce the total number available perhaps by a factor of 50 permits and that the subcommittee is not recommending NPS consideration of exceeding the 2,000 permit cap.

Discussion continued on addressing the need for more data and the importance of having a system in place to address visiting ORV recreationalists. The committee noted

seasonal use of ORVs, in which the vehicles are not allowed in the Preserve during the 60-day closure and seasonal factors that prohibit wide use of ORVs.

The committee discussed the need for day-use ORV recreationalists to adhere to mandatory training and vehicle inspection requirements.

Public Comment.

David Buckhalt: Recommended a 10-day permit instead of a 7-day permit, due to the current quota hunts that are set for two weekends.

Lyle McCandless: The 2,000 permits established in 1991 was at a time of dispersed ORV use in the Preserve. Current trails may allow more. More information is needed, and the NPS could conduct periodic truck and trailer counts at designated parking areas to determine approximate daily use. There are no studies being conducted to determine if more or less permits can be issued. The NPS should make available short-term, hunting season permits for those who wish to recreate during the hunting season only. The annual permit fee is \$50.00, and it may be conceivable to sell semiannual permits for \$25.00 for use during the hunting season. A hunting season permit would provide data that could be used to determine the number of seasonal ORV users versus annual permit holders who are likely to recreate in the Preserve more frequently. With the absence of the seasonal ORV user groups, more permits may be made available for visiting backcountry ORV recreationalists.

Frank Denninger: He hopes that the ORVAC goals are not to hurt the resources, and that no one is left out. Counting vehicles should be a supplement to current available data. Everyone is not locking the gates at Skillet Strand. Approximately 6,000 buggies once used Big Cypress, and today there are far fewer ORVs using the area. There can be up to 2,000 buggies in the Preserve daily, but that is not a likely occurrence. There are expectations for the planning process to be done quickly because opening the ORV plan/EIS is not an option due to the extensive process. For this reason the 2,000 ORV carrying capacity number is final, and there will probably be ORV recreationalists left out of the Preserve.

Shane Snell: He believed that data provided from backcountry ORV use would be logged and tracked and is very disappointed to find out that it was not. There will be little to no progress made without the raw data provided by ORV recreationalists. It is the NPS's and the ORVAC's job to place the right people, tools, and equipment in the Preserve to get the job done. He has come upon newcomers to the backcountry who have run out of fuel and have no water or other necessities. Those that are careless enough to wander far off trail unprepared are the type of people who do not belong in the Preserve. Looking forward, he would like to know if he will be able to get an ORV permit after purchasing a hunting license, applying for quotas, and purchasing a wildlife management area stamp. He would be very disappointed after going through all of the preliminary preparation to hunt and to finally discover that he will not be eligible to receive an ORV permit for his buggy. Knowing in advance if individuals have been

successful in acquiring a permit would be helpful. He would not go through the expense and trouble to purchase licenses if he knew that he would not receive an ORV permit.

Charles Barley: The first problem that must be addressed is the permit stickers. He thanked the committee for their hard work and said that he appreciates efforts that are being made by all involved. He understands that no decisions have been carved in stone and appreciates that something is being done to possibly prevent someone from being shut out of the Preserve.

Committee Discussion. Mr. Jenkins addressed the audience's concern of not knowing if they receive a permit prior to purchasing licenses by stating that the subcommittee recommends that ORV permits be applied for in November and issued in January for the upcoming hunting season. He noted that quota permits are not applied for until the following summer.

Ms. Clark summarized the discussion:

- We heard the presentation by the subcommittee.
- During discussion the committee heard issues raised by the public.
- The decision is, does the ORVAC want to move forward with a recommendation at this point to the NPS?

Ms. Clark feels that the committee can make the decision at this time and it sounds like they are getting close.

Decision. The ORVAC accepted the subcommittee recommendations and changed the 7-day permit to a 10-day permit. They recommended that the NPS modify their backcountry permit process.

Turner River Trails Subcommittee Report. Damon Doumlele, who is not a member of the subcommittee but worked closely with them, reported to the committee. He extended his congratulations to the entire subcommittee that consisted of Mr. Jenkins, Ms. Powell, Mr. Hampton, Mr. Greer, Mr. Adams, Ms. Macdonald, Mr. Adornato, and Mr. Denninger.

Mr. Doumlele said that the subcommittee worked two full days on a trails map, and that they have made a good start. He stated that the function of the subcommittee was to identify primary and secondary trails in the Turner River Unit.

Mr. Doumlele displayed a map and explained the process that the subcommittee used to identify primary and secondary trails that were identified by the colors blue (existing primary trails), brown (additional primary trails recommended by the subcommittee), and green (recommended secondary trails). During the trails identification process, Mr. Doumlele provided a base map and placed an overlay on top of it for use by the subcommittee. Trails were marked on the overlay in pencil.

Mr. Doumlele said that the subcommittee wanted to provide the public with a reference map of trails that would move forward as a recommendation for primary and secondary trails in the Turner River Unit. He said that many trails were requested, and the subcommittee did a good job of selecting those that would reach specific areas or destinations. Mr. Doumlele asked members of the public who had questions concerning trail selection to please speak with the subcommittee, since the selected trails are representative of their hard work.

Committee Discussion. Ms. Powell provided outline notes to be shared with the committee. Mr. Denham asked a question concerning access from I-75 and was told that the location he referenced is for walk-in visitation only. Ms. Powell asked if the public will have an opportunity to comment on the subcommittee's work, since three minutes may not be enough time, or if there will be a map-marking session. Mr. Doumlele invited the public to mark a map in the back of the room and emphasized the importance of keeping the process going. Ms. Powell asked if primary and secondary trails could be recommended by the public, and Mr. Ramos replied on a very limited basis; he hoped that the subcommittee will be prepared to make a recommendation as soon as possible to the full committee in order to keep work on schedule.

Ms. Clark highlighted the discussions:

- We are looking for full committee feedback on the primary trail system.
- Some parts of the secondary trail system need work.
- The subcommittee is looking for feedback on the parts recommended so far, so that portion can be moved forward.

Mr. Greer asked the public to follow guidance provided by Mr. Doumlele to pencil-in their comments and to be sure to date their remarks and place their name on their recommended modification. He reminded those present that there were many marked trails considered by the subcommittee, and it would have helped the process if they knew from whom and when the recommendations were made.

Ms. Macdonald asked Mr. Doumlele to explain to the public what a secondary trail is and said that there were approximately 142 miles of trails that had been sketched in. In response, Mr. Doumlele said that there are 136 miles of primary trails that have been identified. In response to Ms. Macdonald's question concerning the secondary trail definition, he read from page 34 of the ORV plan:

“Secondary trails would be identified to provide access to private property or specific destinations such as campsites. Like the primary trail network, secondary trail alignments would be based on field surveys and GIS analyses. Secondary trails would branch off of the primary trails and would receive less use. Trails accessing private property would be limited to use by that landowner if no other destination existed along that route. Secondary trails for public recreational use accessing features such as designated campsites would extend for a short distance from the primary trail.”

Discussion ensued concerning Ms. Macdonald's belief that some of the trails may be identified as secondary trails when they actually should be identified as primary trails.

Dr. Everham asked the subcommittee if there was a definition of maximum primary trails but no definition of maximum secondary. A committee member responded by saying yes.

The subcommittee will expand their membership by adding two new members, Allen and David Buckhalt, due to their extensive knowledge of BICY backcountry and trails.

Mr. Adams noted that the secondary trail definition does not say that it cannot be a loop trail.

Ms. Macdonald, referring to a particular secondary trail on the map, felt that the trail should not be so long. She was also concerned that the end of this trail was too close to another trail and would encourage users to make the connection.

Ms. Powell stated that there is no exclusion of loop roads as secondary trails. A secondary trail is defined as an offshoot from a primary trail that receives less use than a primary trail.

Mr. Adams asked for the definition of "short." He said that it could mean a few hundred feet to a quarter of a mile to a mile.

Frank Denninger spoke as a subcommittee member and requested an interpretation of a secondary trail.

Ms. Powell spoke on behalf of Jack Moller, who said that he had requested that Access Site 2, which is the first access site south of I-75 on Turner River Road, be realigned. He had a question concerning a tram that the subcommittee had approved, and Ms. Powell assumed that the NPS through ground-truthing would address Mr. Moller's concerns.

Mr. Denham asked how many of the trails would be open to the Corn Dance Unit. Mr. Doumlele identified a trail that had been identified to connect with the Corn Dance Unit and said that currently there is no trail from Corn Dance that would connect to this trail.

Public Comment. Lyle McCandless expressed the following points:

- He and members of the Big Cypress Sportsmen's Alliance spent ten days ground truthing trails in the Bear Island Unit.
- He is concerned about the implementation of secondary trails.
- He reviewed a map that had all of the trails requested by the public.
- In his opinion there is no limited mileage on secondary trails.
- He believes that secondary trails could be put in place up to approximately a mile in length.

- He asked the subcommittee how many miles of secondary trails were shown on their map when compared to the number of miles that were requested by the public, since there is no limit to the number of secondary trails that are allowed.

In response, Ms. Powell said that the map does not show all of the secondary trails and that the map is a work in progress.

Mr. McCandless expressed his concern over a pattern that must be addressed on this issue. He said that there was a rush for the subcommittee to make recommendations on a skeletal secondary trail system to the ORVAC that is then passed on to the NPS, and he questioned the public's inability to expand on the secondary trail system using this method.

Matthew Schwartz: He stated that he is an avid Big Cypress hiker, well acquainted with all present. He showed a map to the ORVAC of former Superintendent John Donahue's implementation of the ORV management plan in Bear Island. The plan called for 30 miles of trails, and 24 miles of trails are suitable. The plan was signed and dated and was to be the plan that would be implemented for ORVs. A new administration arrived at Big Cypress, who said that the signed plan did not exist. It was strange that one superintendent makes a decision and the next comes along and negates that decision as if nothing happened at all. Mr. Donahue's trail decision was based on the philosophy of the plan. The fundamental intent of the plan was to protect natural resources. Mr. Schwartz expressed his disappointment in the map that the subcommittee had worked on and said that his primary objection was that there are marking pencils and no erasers. All prairies should be closed; the plan said that impacts to prairies are unsustainable. A trail was opened in North Bear Island that should have remained closed, which is the reason for the current lawsuit. The plan identifies a secondary trail as a trail that goes to a destination such as a hunting camp and not a hunting area. If hunting areas are considered destinations, then anything can be a secondary trail. Misuse of the definition of secondary trails will be used to extend the 400 mile limit of designated trails, which is completely out of line with the ORV plan, designed to restrict the high-impact activities known to degrade the resources of the Preserve. There should be far fewer ORV trails.

Christian Mogelvang: The Preserve was originally designated as a place where a continuation of traditional uses will be maintained, which was the original agreement that brought public support. The Preserve is what it was meant to be.

Kevin Hill: There needs to be a distinction between a secondary trail that goes to an area for observation or site as a historical reference and a secondary trail that goes to private property. When secondary trails are marked on maps and provided to the public, it invites traffic. Secondary trails that provide access to private property for the landowner and are depicted on maps could invite unwanted guests. In the future the ORVAC hopefully will provide some type of distinction between trails that lead to private property and those that go to destinations.

Charles Barley: He referenced information taken from the book “A History of Collier County, the Last Frontier” by Charlton Tebeau. Approximately 360 million board feet of cypress trees were hauled out of Big Cypress. This should be considered when making decisions on land management issues, and the Big Cypress can take care of itself. The land over time has been farmed, grazed, timbered, and more and look at it today. It is reasonable to assume that the ORV issue is fairly small in consideration of what Big Cypress has withstood over the years.

Frank Denninger: He asked if the ORVAC has a contact to work with businesses that the ORV plan might affect. There was a trail in an area closed by the ORV plan west of Turner River Road that would facilitate use by local campground owners’ clients to access the Preserve if it were reopened. The committee should consider this issue. Big Cypress campgrounds are placing pressure on the local private campground that has come upon hard times, and reopening a needed trail would level the playing field for the local businessman. These types of issues should be on record. He was representing the local campground owner as a favor to them during the meeting.

Shane Snell: He asked the ORVAC to consider how the ORVAC decisions will affect backcountry campers for those who do not own private property. There will be people forced to camp on the side of designated trails. He has no intention to camp on the side of a designated trail with 4-wheelers running around everywhere, especially after the rock roads have been put in place. He does not envy the position of the ORVAC and said that when he navigates the backcountry, he uses the most direct route in and out. The NPS and ORVAC should look into what will be needed for maintenance and managing the Preserve. Management should consider how they will conduct prescribed burns and conduct wildlife counts when all of the trails are grown over.

Committee Discussion. Ms. Macdonald stated that the subcommittee did discuss the need to pull off of the primary roads and secondary trails by providing pull-outs for camping. Mr. Adams said that many people do not know this process is taking place. He realizes how the plan will impact individuals’ personal enjoyment of the Preserve and emphasized to the audience that if they want secondary trails then they need to become active in identifying those trails.

Dr. Everham believed that as an efficiency measure, secondary trails should be tracked to determine those that go to destinations and those that are placed on a map for other reasons. Regarding Mr. Schwartz’s comments, he would like to see the distribution of habitat types such as prairies to get a sense of how and where habitat impacts would occur. He would like to suggest, based on what he sees in the ORV plan, that there is an effort to really minimize secondary trails that the subcommittee is struggling with. He said it would be helpful if the Welch and Madden, Deuver et al 1981, and Deuver et al 1986 reports were posted on the website as reference material.

BICY Action: Post referenced reports on website.

Mr. Greer observed that when one compares what was asked for and what is actually placed on the map, there is a tremendous difference, which is a concern of the ORV community.

Ms. Powell referenced comments made by Mr. Denninger concerning small businesses and said that there is some type of law that the subcommittee must take into consideration if impacting a small business. She feels that the subcommittee needs to get a copy of the law to determine what their obligations are concerning small businesses.

Ms. Powell also believes that the information provided that depicts prairies is out of proportion with what is actually there today. She said that the subcommittee took the precaution of routing trails along the edge of prairies. She responded to a question asked by Dr. Everham, who was interested in knowing if the subcommittee considered closing some trails during times of year when they are susceptible to damage. Ms. Powell said that the subcommittee did discuss one particular road that is located on the edge of a prairie that they discussed as being a seasonal road.

Ms. Macdonald said that the gray areas of the map depicts upland wetland prairie, which is part of the system. The maps definitely show trails that go into the gray area, and the committee should be careful where those trails are placed.

Mr. Adams said that there is an awful lot of science that was conducted in the area. He requested that Mr. Duever be asked to attend an ORVAC meeting to answer questions. He said that there are prairies that have caprock on the ground surface and there are others that are soft. He said that the process of identifying trails will require ground-truthing.

Ms. Clark asked members if they would be willing to accept the recommendations made by the subcommittee.

Mr. Denham was willing to accept the 136 miles the subcommittee recommended. Dr. Everham endorsed the primary trails and said that he continues to struggle with secondary trail proposals. Mr. Hampton stated that ground truthing will determine what trails will stay in the recommendation. Mr. Ramos said that the trails must first meet specific criteria that will be determined through ground truthing. He thanked the subcommittee for the outstanding work that they have done and said that the NPS will need some leeway in establishing trails, since they must be routed around prairies and not through them. Ms. Macdonald suggested loop trails be reclassified as primary trail due to the potential for traffic. Dr. Everham stated that there was a sense to get the trail map done as quickly as possible, and he would really like to have an open discussion with the entire committee to determine the criteria in which they determine what is a primary and what is a secondary trail. He said that he is very sympathetic to the observation that the committee could be broadly defining secondary trails as a way of getting around the approximately 140-mile total and he thinks that that would be wrong. Ms. Powell suggested recommending to the NPS the trail concept as mapped with the caveat that

additional secondary trails will be forthcoming at the November meeting. This suggestion was accepted by the ORVAC.

Mr. Jenkins recommended that the audience place points of interest on the maps at the back of the room.

Ms. Clark reiterated that if the public wishes to have input on secondary trails, they must provide that information to the subcommittee prior to their October 21, 2008, meeting through the various methods that are available to them.

Matthew Schwartz stated that the Sierra Club requested the opportunity to work with the NPS in the same way that the ORV community has worked with them in laying out trails. He said that areas should be created for non-motorized use only. Mr. Schwartz asked the committee and NPS management how the ORVAC would get input from Preserve user groups who prefer non-motorized recreation.

In response to Mr. Schwartz' comments, Mr. Greer stated that there are no trails going into Mullet Slough under the new plan. Ms. Macdonald said that the ORVAC had discussed who gets contacted for these meetings, and that should include all types of user groups. Mr. DeGross noted that the Preserve has an extensive email list that contains approximately 600 individuals' contact information, so the meeting notices go out to a wide audience. Mr. Ramos reminded everyone that meeting notices also go through the *Federal Register* process.

Mr. Hampton asked Mr. Doumlele if specific sites that the subcommittee worked on were transferred to the map that was presented at the meeting. Mr. Doumlele said that four or five sites were left out.

Mr. Adams said that the ORVAC is trying to come up with a designated trail system with the least impact to the resources. He emphasized that the ORV community is giving up thousands of miles of trails and multiple access points, and he stated that if there is mechanized recreation in the Preserve, there will be impacts on the ground. What the ORVAC is trying to do is try to minimize substantial impacts. He said that trail alignment will be the responsibility of the NPS, and he is not interested in hearing any proposals to go back and start the trail selection process again. He said all trails are existing trails that probably date back to the logging era, and the committee is looking at 140 miles of trails and any identified secondary trails. He said that he would like to see closure on this issue.

Ms. Clark recommended moving to the next agenda item. She said that the ORVAC will next hear a status report on the Burns Lake campground project by Mr. DeGross, and there is no need for the ORVAC to make any decisions at this time.

Burns Lake Trail

During his presentation Mr. DeGross said that:

- BICY received a grant from the Division of Forestry T. Mark Schmidt vehicle safety program in July 2008 that was included in the information provided on the PEPC website.
- The project asked for the removal of Burns Lake Trail entrance to a new location.
- The grant requires expenditure of money by the end of the year.
- The NPS is looking at engineering students from Florida A & M University to design the trailheads and camping facilities.
- Construction should begin take place in January or February.
- Backcountry campgrounds will be located along the trail.

Committee Discussion. Mr. Greer asked how far back the campgrounds will be from the trailhead. Mr. DeGross referenced information presented on the PEPC website that shows a concept of where the proposed campgrounds will be placed. He said one site is proposed for the lower end of the trail below Windmill Tram, and another is proposed north of Windmill Tram going to Concho Billie Trail.

Mr. Adams asked if the proposed campsites will be managed as first-come, first-serve, or if there will be a permit requirement. Mr. DeGross replied that there will be a backcountry permit requirement, and a decision will be made on the amount of use the backcountry campsites receive. He referenced campsites in other parts of the Preserve that are currently managed without the need to issue individual site permits. Ms. Powell questioned NPS plans to build facilities, because the House and Senate report on the enabling legislation makes no reference to backcountry construction, and she wondered how the NPS came to this conclusion. Mr. DeGross said that the 1992 General Management Plan allows for the possibility of designated camping areas in the backcountry. Ms. Powell said that the enabling act does not prohibit backcountry construction, but the House and Senate report explains the intent of the law. She said that she has always wondered how the NPS strictly adheres to one provision of the report and not all the others. Mr. Ramos referenced the 1992 General Management Plan, which states that the NPS would pursue these types of opportunities.

General Public Comments

Lyle McCandless: The [1995] settlement agreement states that the NPS must put into place a procedure for a designated trail and/or use area system. After the settlement agreement and before the 2000 ROD, there was an opportunity for use areas to be considered in addition to designated trails. The NPS agreed to bring forward a plan to open, close, and reopen trails as necessary. The NPS put together a plan to open and close trails, but there was and is no plan to reopen trails that are closed, and that is why we are faced with closure of 40 percent of the existing Preserve without an ounce of scientific proof to support closures. This is an example that demonstrates what should have happened and did not. What should be done is for ORV recreationalists to stay on the trails. More policing is needed because backcountry law enforcement presence is almost non-existent at Big Cypress. There is no reason why all of the secondary trails must be approved by the November meeting, because secondary trails are an ongoing

process that can be approved or rejected at any time. He disagrees with the rationale that all of the secondary trails must be approved by a specific time period.

Matthew Schwartz: He is concerned with the backcountry campgrounds and highly recommends that the NPS talk to the Palm Beach County Police Department about camping activities in places like the Holey Lands and similar areas. Concerning the House and Senate report that Ms. Powell referenced earlier, the report can be interpreted a number of different ways. One item not subject to interpretation is the 25 studies called for in the plan. All aspects of ORV impacts on the Preserve hydrology, soils, plants, animals, users, noise, and virtually every aspect of ORV use are supposed to be studied according to this plan. It is strange that the NPS can apply for a grant to build a campground, and whenever he has asked about the studies, he has been told that the NPS does not have the money. Why not apply for a grant to get the studies done? He agreed with Mr. McCandless in that there is not enough data available to make decisions. What is carrying capacity? The plan has been in effect for eight years and the studies have not been done. He suggested that the ORVAC push very strongly for the completion of the studies to allow science-based management decisions.

Kevin Hill: He urged the committee to take on an agenda item to consider the future use of chains for ORV tires. The plan prohibits the use of chains, and when the decision was made, it was at a time when buggy builders were constructing huge, extremely heavy vehicles that were equipped with 8-inch chains capable of breaking rocks. These machines that are no longer allowed in the Preserve caused the prohibition on the use of chains. In consideration of this management practice, the NPS painted the issue with too broad a brush, and chains are a useful tool. His buggy is equipped with airplane tires that exert very little surface pressure. Thus far, he has refrained from using more aggressive tractor tires like most buggy owners, due to his desire to own an "old school" buggy. His problems are apparent when he operates his buggy at the end of the wet season when the ground begins to dry. The surface soil then is like toothpaste, and he loses a great deal of traction. He would appreciate a careful look at allowing grass chains to be used in the Preserve.

Charles Barley: He noticed that the FWC is not represented on the ORVAC, and they have extensive experience in the area.

Tim Spaulding: He spoke of his disinterest in seeing concrete restroom facilities in the backcountry. The allure of being in the backcountry is to not see manmade structures. People are camping on the side of trails in the backcountry now, and there is no reason why it cannot stay the same way. The NPS is attempting to turn the Preserve into something that we all are trying to protect it from.

Lyle McCandless: For the record, he would like to state for himself and the [Big Cypress] Sportsmen's Alliance that he represents that he would encourage a representative of the Florida Fish and Wildlife Conservation Commission be appointed to the ORVAC.

Frank Denninger: If anyone is concerned about the maps that are being displayed at the meeting, it is nothing like what the map looked like when there was dispersed ORV use in the Preserve. The construction of a proposed bathroom facility in the backcountry would be offensive. Concerning the business issue he brought to the attention of the ORVAC earlier during the meeting, the local campground owner had attempted to send a letter to the ORVAC and was unsuccessful.

Future Agenda Items. Ms. Clark proposed approval of the 2009 meeting calendar as follows:

- January 20, 2009, BICY Headquarters, 3:30 – 8:00 PM
- March 24, 2009, BICY Headquarters, 3:30 – 8:00 PM
- May 19, 2009, BICY Headquarters, 3:30 – 8:00 PM
- July 21, 2009, Everglades City, 3:30 – 8:00 PM
- September 15, 2009, Everglades City, 3:30 – 8:00 PM
- December 1, 2009, BICY Headquarters, 3:30 – 8:00 PM

Ms. Clark opened the floor for ideas on agenda items for the November meeting.

Mr. Ramos stated that the ORV plan was signed eight years ago, and the NPS is not required to go back out to the public, but he acknowledges that there is a measurable benefit by doing so. He acknowledges that the communication between the NPS and the public was not so great at the time, and there may be an opportunity to capture information from the public that may have been lost. He is extremely appreciative of the work that everyone has done to provide the NPS with information on the Turner River Unit. He feels that the information needed to move forward has been provided. He would like to get as much done as possible on the trail system as he possibly can. He hopes to have a meeting similar to the Turner River and Bear Island units sometime this fall to seek and gain public input with regard to the trail system in the Corn Dance Unit. He told the ORVAC that it may be appropriate to invite the public to the November meeting to gain their input.

Mr. Greer suggested that Mr. Ramos' proposed public meeting date be moved to January due to the opening of hunting season in November. Mr. Ramos mentioned that in the past approximately 120 members of the public attended the public meetings and suggested that the ORVAC host the meeting for the public with assistance from BICY staff. Mr. Denham suggested that a regular meeting take place during the January meeting and the ORVAC would engage the public during the latter part of the meeting to allow time for work to be done by the ORVAC.

Dr. Everham stated that in order to familiarize himself with the resources, he requests a field trip to inspect the resources in the Turner River Unit. Mr. Ramos said he would be happy to accommodate Dr. Everham's request. Mr. Ramos suggested that the ORVAC meet to view maps and to familiarize themselves with what has been done in the Unit prior to their field visit.

Mr. Jenkins said he believed that there will be less interest in the Corn Dance Unit by the public due to less use of the area.

Mr. Ramos stated to the group that the purpose of this process is to put the trails on the ground, in order to move forward as best we can with regard to having a fully functional trail system and eliminating dispersed use in the Preserve.

Ms. Clark said that we will probably create a Corn Dance Unit subcommittee, and asked the committee to keep that thought in mind for the November meeting.

Ms. Powell suggested reviewing the existing additions on the kiosks at the access points and looking at how to improve the opportunity for public interface. She suggested taking photos of access points for discussion with the committee.

Dr. Everham suggested looking at vehicle specifications concerning use of chains. Mr. Ramos commented that vehicles have evolved over time, and it would be good to look at the issue again. Dr. Everham suggested that it may be appropriate to set up a subcommittee to better grasp the subject.

Potential Agenda Topics:

- Education kiosks
- Use of chains on tires
- Secondary trails for Turner River Unit
- Need for scientific studies
- Backcountry campground issues
- What does the ORVAC want to do about Corn Dance Unit
- Backcountry permit issues

The meeting was adjourned at 8:14 PM.